

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2004 JUN -1 P 3:11

EDWARD A. McCARTHY,
Plaintiff

Civil Action No. 04-10335-RWZ
U.S. DISTRICT COURT
DISTRICT OF MASS

v.

McLANE COMPANY, INC.,
CONSTRUCTION MANAGEMENT
TECHNOLOGY, and
LINCOLN FRANKLIN, LLC
Defendants

**PLAINTIFF, EDWARD A. McCARTHY'S INITIAL
DISCLOSURE PURSUANT TO FEDERAL RULE 26**

The Plaintiff, Edward A. McCarthy hereby makes the following initial disclosure pursuant to Federal Rules of Civil Procedure, Rule 26.

1. Rule 26(a)(1)(A). The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information

1. Rick McCarthy, foreman/supervisor
Shalia Galliagan, employer contact
Christine Lavoie
603-881-7663
Bay State Welding
10 Flagstone Drive
Hudson, NH 03051

Mark Trudeau, witness
2 Briar Cliff Drive
Nashua, NH
603-883-7432

William Fuller, witness
72 Adams Road
Dracut, MA 01826
978-957-5468

Jim Gagnon, witness
PO Box 239
Nashua, NH 03061

Kim Celorier
Liberty Mutual
13 Riverside
Weston, MA 02493

Stella Bancroft, RN, nurse case manager, managed care
800-562-3936, x. 385
Janice Simpson, Case Manager
Denise Dupont
Liberty Mutual
PO Box 9525
Manchester, NH 03108-9525

Praveen K. Suchdev, M.D., treating physician
Pain Associates in Nashua
8 Prospect St.
Specialty Services, North 11
Nashua, NH 03061
603-577-3003

Deborah Monk, Nurse
PO Box 5925
Manchester, NH 03108-9525
1-800-562-3936, x. 257

Dr. Zimmerman, cc. of Dr. Suchdev, above

William Abdu, MD

A. Descoteaux, medical provider

GEORGE A. MALLIAROS
ATTORNEY AT LAW
1794 BRIDGE STREET
SUITE #22B
DRACUT, MA 01826

(978) 452-6641

Dr. Gorlin, cc. of Dr. Suchdev, above

Kenneth Peelle, MD, MRI technician
Open MRI of Chelmsford/Dedham
3 Meeting House Road
Ste. 17
Chelmsford, MA 01824

Southern New Hampshire Medical Center
460 Amherst Street
Nashua, NH 03063

Elizabeth S. Ossen, MSW
Birgit Ruppert, PT
Lewis Sussman, PSYD
Dartmouth Hitchcock Medical Center
One Medical Center Dr.
Lebanon, NH 03756
603-650-8285

Dr. Steven J. Serra, MD, MPH
Nancy W. Knee, MS
Marcos Manning, MD
Irene McCormack, ARNP
Natalie Carr, PTA
F. Magie
Several treating therapists, illegible, notes attached hereto
Occupational Health and Rehabilitation, Inc.
29 Riverside Drive
Ste. A & B
Nashua, NH 03062

2. Rule 26(a)(1)(B). A copy of, or a description by category and location of, all documents, data compilations and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

2. See medical records and bills, as well as worker's compensation evaluation forms attached hereto.

3. Rule 26(a)(1)(C). A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

3. Average Weekly Wage as of injury date	\$751.35
Average Yearly Pay	\$39,070.20
Yearly Pay x 26 years of lost wages (assuming retirement at 66)	\$1,015,825.20
Medical Bills Paid by Insurer	\$34,263.40
Pain and Suffering:	
36.1 years assuming \$10 per day	\$127,072.00

See New Hampshire Department of Labor wage calculation form and Liberty Mutual Insurance Company correspondence, attached hereto.

4. Rule 26(a)(1)(D). For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

4. The Plaintiff was acting in his capacity as an employee of Bay State Welding at the time of his injury, and had no other insurance agreement(s).

5. Rule 26(b)(5). Claims of Privilege or Protection of Trial Preparation Materials.

5. The plaintiff objects to the production of materials and information protected by the following privileges:

1. Attorney Client privilege; and
2. Attorney work product.

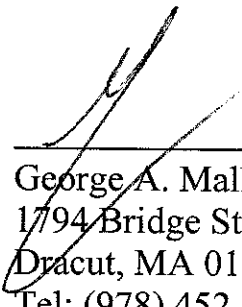
Respectfully submitted,
Edward A. McCarthy,
Plaintiff
By his attorney,

GEORGE A. MALLIAROS
ATTORNEY AT LAW
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(978) 452-6641

Dated: _____

5/28/04


George A. Malliaros, Esquire
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Intl Discl 5-28-04

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CERTIFICATE OF SERVICE

I, George A. Malliaros, attorney for the Plaintiff, hereby certify that, on this day, I sent, via first-class mail, postage prepaid, a copy of the foregoing Assented to First Amended Complaint and Jury Demand, to all counsel of record, as follows:

Law Offices of Jacqueline L. Allen
Attn: Patrick M. McCormack, Esquire
262 Washington Street, Suite 601
Boston, MA 02108

Looney & Grossman, LLP
Attn: Wesley S. Chused, Esquire
101 Arch Street
Boston, MA 02110-1112

Dated: May 28, 2004



George A. Malliaros

Intl Discl 5-28-04

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